

**REMARKS**

The Office Action mailed October 24, 2002, has been received and reviewed. Claims 1 through 21 are currently pending in the application, of which claims 1 through 7, 18 and 21 are currently under examination. Claims 8 through 17, 19 and 20 are withdrawn from consideration as being drawn to a non-elected invention and have been canceled. Applicants herein acknowledge the restriction requirement in the above-referenced application, and affirm the election to prosecute the claims of Group 1, claims 1 through 7, 18 and 21, without further traverse. Claims 1 through 6, 18 and 21 stand rejected. Claim 7 has been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claim is noted with appreciation. Applicants have amended Claims 1, 3, 4, 6, 7 and 18, and respectfully request reconsideration of the application as amended herein.

**35 U.S.C. § 112 Claim Rejections**

Claims 4 and 6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection, as hereinafter set forth.

Specifically, claims 4 and 6 stand rejected for reciting the trademarks "COVER LITE" and "VELCRO." Claims 4 and 6 have been amended to remove the recitation of trademarks in favor of a description of materials. In view of the foregoing, applicants believe that the rejection has been overcome.

**35 U.S.C. § 102(b) Anticipation Rejections**

**Anticipation Rejection Based on U.S. Patent No. 4,271,996 to Montgomery**

Claims 1 through 6, 18 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Montgomery, U.S. Patent No. 4,271,996. Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 requires that a “mounting plate [be] **movably** attached to said frame, through said material covering said frame.” Independent claim 18 requires that “at least one fastening device [be] **movably** attached to said back portion of said material shell.” Claims 2-6 and 21 depend from and contain all of the limitations of independent claims 1 and 18.

In contrast, Montgomery discloses two hooks 68 that are “fastened to the pannier near the top of the back wall 16 by screws 70 which pass through the bag and small bosses 72 on the frame and received by nuts 74.” (Montgomery at col. 3, lines 34-37). The two hooks 68 of Montgomery are not movably attached and are, instead, fastened or fixed onto a frame of a bag. Independent claim 1 further requires that “clamps [be] attached to said mounting plate for securing said vehicle storage device to a ladder attached to a vehicle.” In contrast, the hooks 68 of Montgomery are fastened to the frame on the back wall 16 of the bag. Thus, each and every element as set forth in the claim is not found in Montgomery.

In view of the foregoing, applicants respectfully request that the rejection of claims 1-6, 18, and 21 be withdrawn and that the claims be allowed.

#### **Objections to Claim 7/Allowable Subject Matter**

Claim 7 stands objected to as being dependent upon rejected base claims, but is indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Claim 7 has been amended to include all of the limitations of claim 1 (from which it depends) and placed in independent form. Applicants respectfully request that claim 7 be allowed.

### ENTRY OF AMENDMENTS

The amendments to claims 1, 3, 4, 6, 7 and 18 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

FIG. 8 has been amended herein. Specifically, FIG. 8 has been revised to add the reference numeral --210-- with an appropriate lead line.

### CONCLUSION

Claims 1-7, 18 and 21 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



Edgar R. Cataxinos  
Registration No. 39,931  
Attorney for Applicants  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: April 24, 2003  
ERC/dlm/csw/dn

Enclosures: Appendices A and B

Document in ProLaw